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TRIVASCULAR, INC., MICHAEL A.  
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PH.D., AND JOSEPH W. HUMPHREY, PH.D.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

DR. SHAUN L. W. SAMUELS  
Plaintiff,  
vs.  
TRIVASCULAR, INC., ET AL.,  
Defendants

Case No.: CV-13-2261-EMC  
Hon. Edward M. Chen

**[PROPOSED] STIPULATED FINAL  
JUDGMENT**

TRIVASCULAR, INC.  
Counter-Claimant,  
vs.  
DR. SHAUN L. W. SAMUELS  
Counter-Defendant

1 The Court having issued its final judgment of non-infringement of the '575 patent on  
2 December 17, 2015 (Dkt. No. 98); and

3 The Federal Circuit having issued a judgment and order on November 3, 2016 pursuant to  
4 Fed. Cir. R. 36 affirming this Court's finding of non-infringement of the '575 patent (Case 16-1490,  
5 Dkt. No. 48); and

6 Based on the parties' stipulation (and facts contained therein) that TriVascular's  
7 counterclaims two (Declaratory Judgment of Invalidity of the '575 Patent), three (Breach of Co-  
8 Investigator Agreements), four (Breach of Settlement Agreement), and five (Promissory Estoppel)  
9 against Samuels (Dkt. No. 78) should be dismissed without prejudice; and

10 Based on the Court's Order that the parties jointly file a stipulated final judgment (Dkt. No.  
11 135),

12 IT IS HEREBY ORDERED as follows:

13 1. Pursuant to the parties' Stipulated Final Judgment, the Court DIRECTS the Clerk to  
14 enter final judgment as set forth herein.

15 2. Pursuant to the parties' Stipulated Final Judgment, the Court ORDERS that  
16 TriVascular's counterclaims two through five are DISMISSED without prejudice.

17 3. All claims in this action having now been adjudicated or dismissed by one or more  
18 Orders of this Court, this is the Final Judgment of the Court in this matter.

19 4. This Stipulated Final Judgment is enforceable and non-appealable. This Stipulated  
20 Final Judgment represents a final judgment regarding all claims, counterclaims, and defenses that  
21 were or could have been raised in this action by Dr. Shaun L.W. Samuels, TriVascular, Inc., Michael  
22 A. Chobotov, Ph.D., Robert G. Whirley, Ph.D., and/or Joseph W. Humphrey, Ph.D.

23 5. Each party is to bear its own fees.

24 The clerk is ordered to provide copies of this order to all counsel.  
25  
26  
27  
28

1 DATED: March 1, 2017

Respectfully submitted,

2 /s/ James D. Petruzzi  
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28

IT IS SO ORDERED.

Dated: 3 / 2, 2017

